

-PS-O-

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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FRANKY CONSEILLANT, 98A2206,

Plaintiff,

-v-

12-CV-6053CJS (Fe)

**ORDER**

MICHAEL LIRA, C.C. JEFFERY SMITH,  
C.O. MICHAEL GOKEY, C.O. KERRY COMPO  
and C.O. TERRY ASHLAW,

Defendants.

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Plaintiff Franky Conseillant has brought this action under 42 U.S.C. § 1983, complaining that his constitutional rights were violated at the Upstate Correctional Facility. However, the Upstate Correctional Facility is located in the Northern District of New York and the action is deemed to arise under jurisdiction of the United States District Court for the Northern District of New York. Pursuant to 28 U.S.C. § 1406(a), this action is ordered transferred to the United States District Court for the Northern District of New York.

The determination of the plaintiff's motion for permission to proceed in forma pauperis has been left to the Northern District of New York and, therefore, because this Court has already sent his signed authorization form to the Upstate Correctional Facility for execution, the Pro Se Office is directed to advise the facility of the transfer of this case to the Northern District.

IT HEREBY IS ORDERED, that this matter is transferred to the  
United States District Court for the Northern District of New York.

**SO ORDERED.**

S/ Michael A. Telesca

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MICHAEL A. TELESKA  
United States District Judge

Dated: March 22, 2012  
Rochester, New York